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EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/874,129	KELLY, KEVIN JAMES	
	Examiner	Art Unit	
	Scott L. Jarrett	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because the abstract is too short and lacks sufficient information regarding the disclosed invention. Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claims 1, 2 and 7-13 are objected to because of the following informalities. Appropriate correction is required.

Regarding Claim 1, Claim 1 repeats the limitation "questions regarding the services" in elements ii and iv. Examiner suggests applicant amend Claim 1 in order to overcome this objection.

Regarding Claims 1-2, Claims 1-2 contain a grammatical error "hand held" instead of the intended "handheld" (no space). Examiner suggests applicants review specification and claims to ensure that handheld is spelled consistently.

Regarding Claim 8, Claims 8 contains a grammatical error "...electronic survey comprising:" (Page 28, Line 9).

Regarding Claims 2 and 7-11, Claims 2 and 7-11 recite that the survey system and/or method is merely "configured to...", "adapted to...", "connectable..." and/or "networkable..." however the survey system and/or method as claimed does not actually perform the operations or have the connections.

Claim 2, for example, recites the limitation that the survey system is merely **adapted to** allow users to construct surveys ("...the dynamic survey system **adapted to** allow users....", Page 27, Line 6) but users do not actually construct the surveys.

For the purposes of examination examiner assumes the applicant will amend Claims 2 and 7-11 to recite that the survey system and/or method actually performs the method steps, operations and/or connections disclosed.

Regarding Claims 12-13, Claims 12-13 are duplicates. Examiner suggests applicants cancel and/or amend at least one of the claims to overcome this objection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-13, 15 and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 12-13, Claims 12-13 recite the limitation "networked computer system" in Claim 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claim 15, Claim 15 recites the limitation "notifying users" in Claim 14. There is insufficient antecedent basis for this limitation in the claim.

Regarding Claims 21-24, Claim 21 recites a system, method and software application. Examiner requests clarification as to the statutory class the applicant is claiming as the invention. Examiner interpreted the claim to read as a computer implemented method for the purposes of examination.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-24 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention.

The public use or sale of the invention of conducting surveys via a handheld computer, also referred to by the applicant as nHand Survey, is evidenced by at least:

- Knorr, Eric, Real Wireless on the Go (PCWorld, March 2001).

  Knorr teaches that the applicant and/or assignee (nHand Solutions, Inc.) of the instant application developed a handheld survey system for FlexJet in late 1999 (Paragraph 3, Page 4) wherein the survey system utilizes Palm VII devices to collect, store (in a relational database) and transmit survey responses related to services provided (Case Study FlexJect, Pages 7-8; Figure 1).

- Steinberg, Don (Smart Business for the New Economy, June 2001).

  Steinberg teaches that nHand Solutions, Inc. developed and deployed a handheld survey system wherein FlexJet's customers and employees completed service related surveys that are then compiled, stored and transmitted to a central server (relational database) via scripts and that the

system analyzes/generates reports based on the survey responses stored in the database (Paragraph 1, Page 1; Paragraphs 4-6, Page 2).

An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows: the use or public sale of nHand Survey, the FlexJet project/contract or other materials (seminars, brochures, training manuals, press releases, product manuals, etc.) which discuss and/or are related to conducting surveys (questionnaires, polls, market research) and/or data collection via handheld devices.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-14 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Techneos Systems' Entryware Software Version 2.0 product (May, 2000, herein after Entryware) aspects of which are evidenced by at least the following supporting references:

- Techneos Systems Web Pages (August, 2000) hereinafter reference A;
- Techneos Announces Sophisticated Survey Software for Handheld Computers (May, 2000) hereinafter reference B; and
- Entryware Survey Software: Replacing paper with palm-tops (July, 2000) hereinafter reference C.

in view of Furest, Carol, U.S. Patent No. 6,189,029.

Regarding Claim 1 Entryware teaches a handheld data collection system and method that can be used to perform/conduct mobile computer assisted personal interviewing (MCAPI; reference B: Page 1). Entryware teaches that the handheld electronic survey system and method enables users to create/design, conduct and analyze a plurality of dynamic surveys utilizing a plurality of handheld devices

(reference A: Pages 4-6, 10; Figure 1; reference B: Paragraphs 2-4, Page 2). Entryware further teaches that the product began beta testing in 1999 and was "officially" launched June 12, 2000 (reference A: "Entryware Product Revisions", Page 10; reference B: Paragraph 1, Page 2; reference C: Paragraph 2, Page 1).

More specifically Entryware teaches a system and method for performing surveys (questionnaire, poll) regarding services comprising:

- a handheld computer (device, personal digital assistance, mobile device, Palm, etc.; reference A: Page 3; "Can the Mobile Interview be used on any handheld device?", Page 10; Figure 3; reference B: Paragraphs 2-4, Page 1);

- permitting users (customers, clients) to enter data onto the handheld computer via software (code, module, routine, program, etc.; reference A: "Survey Workbench", Page 4; "Mobile Interview", Page 5);

- the handheld computer offering a plurality of customizable questions (reference A: "Survey Workbench", Page 4; "Mobile Interview", Page 5) comprising:

- customer (user) identification information (reference A: "unique respondent numbers", Bullet 8, Page 5; "Does Entryware contain any built-in features for tracking respondents and interviewers?", Page 9);

- service related questions (reference A: "flexible questions and response types", Bullet 2, Page 4; reference B: Paragraph 3, Page 1);

- employee identification of employees providing the services (reference A: "unique respondent numbers", Bullet 8, Page 5; "Does Entryware contain any built-in features for tracking respondents and interviewers?", Page 9);

- transmitting (sending, exporting, providing, transferring), via an interface module (code, software, routine, etc.) acquired data from the handheld to the system (central system/server, storage device, personal computer, etc.; reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5); and

- enabling the generation of reports from the survey results (i.e. exporting to Statistical Package for the Social Sciences, SPSS being a well known and widely used data analysis, statistical analysis and reporting module/system; reference A: Bullet 7, Page 4; Bullet 3, Page 6; Figure 1);

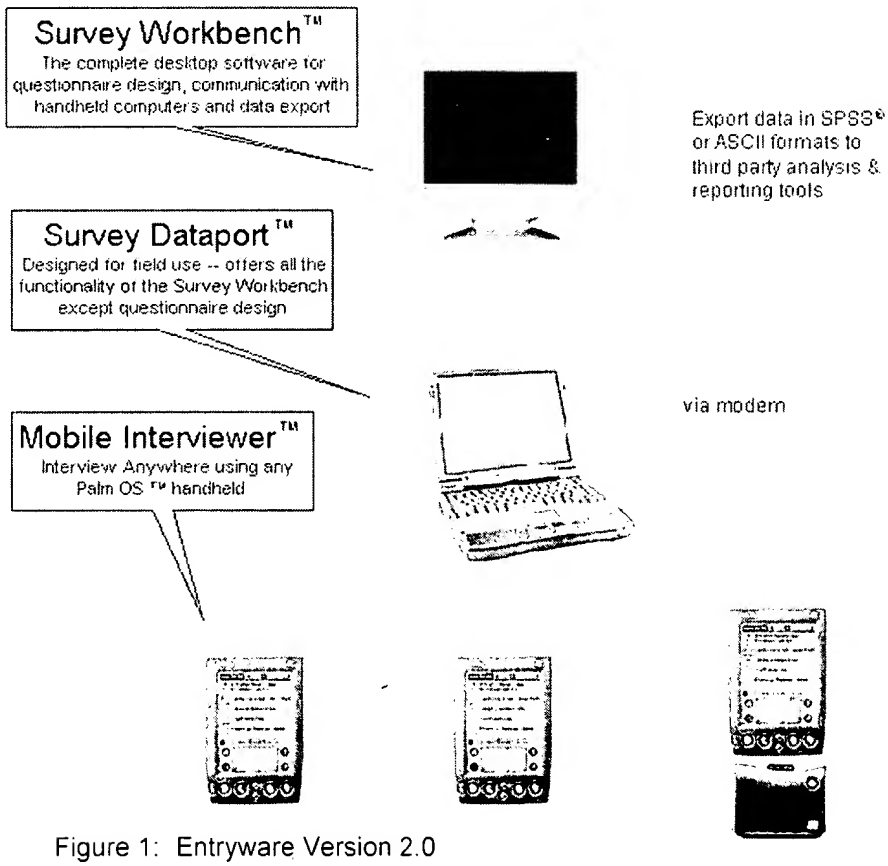

Figure 1: Entryware Version 2.0

While Entryware teaches making the survey response data available in a plurality of formats to external systems (SPSS datasets, reporting tools, etc.; reference A: Bullets 1-3; Page 6) Entryware does not expressly teach transmitting the survey results to a database or the subsequent reporting of the results stored in a database as claimed.

Furest teaches transmitting survey results from a remote device (system, subsystem, computer, client, laptop, etc.) and storing the survey results/responses in a relational database (Column 2, Lines 19-31 and 43-47; Figure 1, Element 194; Figures 3-6 and 16), in an analogous art of survey management/data collection, for the purposes of creating, conducting, analyzing and reporting surveys over the Internet.

More generally Furest teaches an Internet-based survey management system and method comprising:

- a network server (database server, web server; Figure 1, Element 174) connected via a network to a plurality of client devices (Column 4, Lines 29-65; Figure 1);

- a plurality of client devices having an input device, CPU, display device, memory, network connection, and a browser (Column 4, Lines 29-65; "laptop", Column 10, Lines 9-20);

- creating dynamic/adaptive questionnaires/surveys based on user responses to previous surveys/questions utilizing a decision tree (branching; Column 9, Lines 57-68; Column 10, Lines 1-9);

- enabling users to access surveys/survey results without requiring that the survey system (application, module, software, etc.) in installed on the client system (e.g. enabling users to access the system via a web browser; Column 1, Lines 55-62; Column 2, Lines 19-30; Column 7, Lines 65-68; Column 8, Lines 1-22; Column 9, Lines 45-57; Figure 9);

- preventing unauthorized access to surveys/survey results (Column 2, Lines 14-16); and

- utilizing software scripts (PERL, Java, etc.) to create, access, view and analyze surveys/survey results (Column 9, Lines 9-44; Figures 13-15).

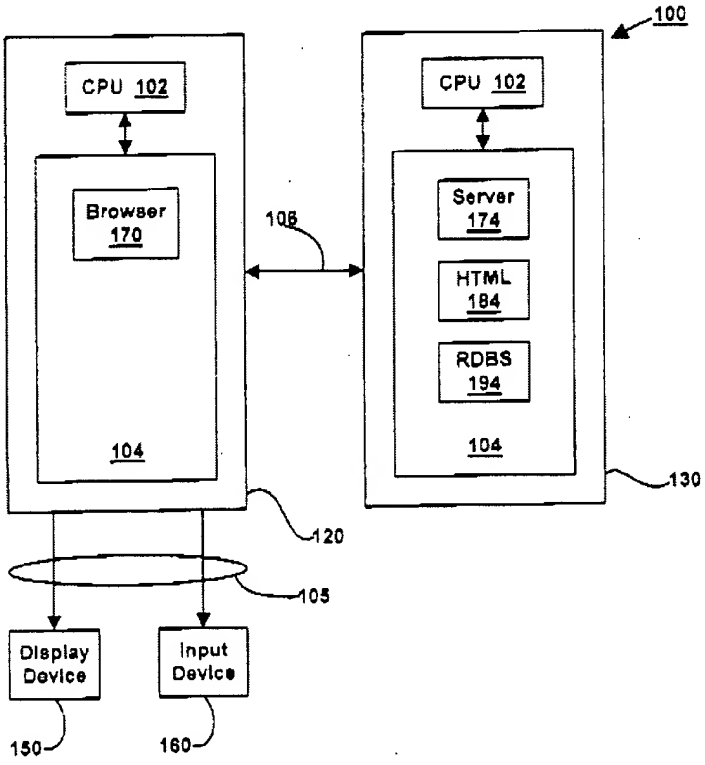

FIG. 1

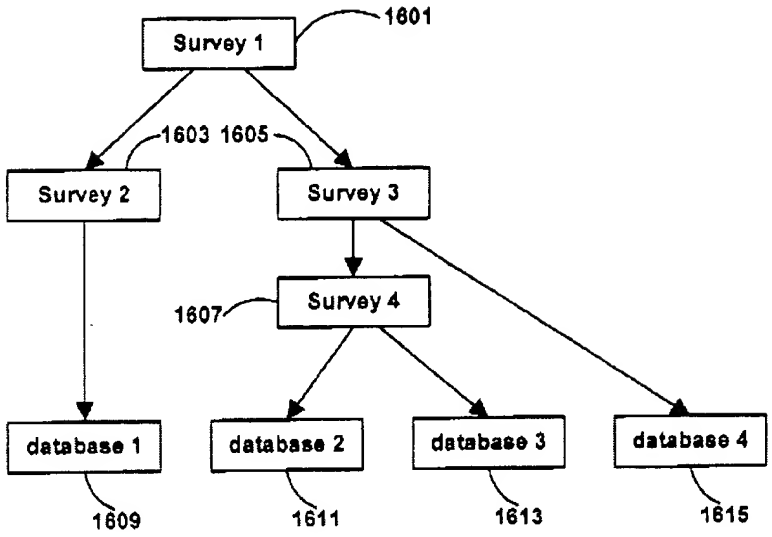

FIG. 16

It would have been obvious to one skilled in the art at the time of the invention that the handheld surveying system and method as taught by Entryware would have benefited from transmitting and storing its survey results to a database (server, system, etc.) in view of the teachings of Furest; the resultant system enabling remote access to the surveys/survey results via the Internet as well as enabling the utilization of well known data mining and data analysis techniques for analyzing information in relational databases (Furest: Column 2, Lines 43-47).

Regarding Claim 2 Entryware teaches a system and method for performing (conducting) a survey using a handheld computer (device, PDA, laptop, etc.) wherein the handheld computer is connectable to a server (system) via a network (link, modem; reference A: Bullet 5, Page 4; Bullet 6, Page 5), the system comprising:

- a server (host computer, personal computer, desktop; reference A: Figure 1);

- a client's computer (handheld, PDA, device, laptop, etc.) for accessing the system via a network link (reference A: Bullet 6, Page 5; Figure 1);

- a handheld computer (reference A: Figure 1);

- a survey subsystem (system, module, component, code, etc.) residing on the system (host computer) comprising (reference A: "Survey Workbench", Page 4):

- enabling users to construct (create, generate, etc.) survey questions for a plurality of surveys (reference A: "Survey Workbench", Paragraph 1, Page 4; "What do I need to get started with Entryware software?", Page 9; "Can I load more than one questionnaire on a handheld at a time?", Page 10);

- presenting (displaying) the survey (reference A: "Mobile Interviewer", Page 5; reference B: Paragraph 4, Page 1; Figure 1);

- obtaining survey related information/data (reference A: "Mobile Interviewer", Page 5; reference B: Paragraph 4, Page 1);

- enabling users to access survey results located on the server (central system, host) via a client computer without requiring the client computer to have a survey system (code, module, etc.; e.g. exporting the results in ASCII, SPSS and other formats; reference A: Bullet 7, Page 4; "On-site processing of data – export as ASCII or fully labeled SPSS data sets", Bullet 3, Page 6);

- providing a new survey (question set, questions, etc.) utilizing a decision tree of available surveys (questions) in response to the previously answered survey questions (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching

and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not expressly teach that the handheld survey system provides access to the surveys and/or survey results via a browser or that the survey creation/construction subsystem (software) resides (is installed) on the handheld as claimed.

Furest teaches accessing surveys and survey results via an Internet browser on a client system (handheld, PDA, device, etc.; Column 4, Lines 28-65; Column 5, Lines 65-68l; Column 6, Lines 1-4; Column 7, Lines 65-68; Column 8, Lines 1-22; Figures 1, 6-7 and 9).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from enabling users to view/access the surveys/survey results via the Internet (e.g. browser) in view of the teachings of Furest; the resultant system enabling remote access to the surveys/survey results via the Internet thereby providing a cost-effective mechanism for remotely accessing the system without requiring the client system to have the survey software installed (Furest: Column 9, Lines 45-50).

While Furest teaches enabling computing devices with limited functionality to access/run the survey system (e.g. thin client) Furest does not expressly teach that the survey system "resides" (installed) on the handheld device as claimed.

Official notice is taken that enabling handheld devices (computers, laptops, personal digital assistance, etc.) to run/execute and/or access applications (software, modules, code, program, etc.) typically executed on larger computers/devices is old and very well known and providing such applications to smaller devices enabling users to access/utilize programs once only available on larger systems/computers.

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method, with its ability to construct surveys on a host system/computer, as taught Entryware would have benefited from enabling users to construct surveys utilizing a subsystem (software) that *resides on the handheld device* in view of the teachings of official notice; the resultant system providing users with all the functionality of the larger host system in the smaller footprint of a handheld device/computer.

Regarding Claim 3 Entryware teaches that the handheld survey system enables users to export questionnaires into HTML and that the system is connectable to a network (reference A: Bullet 8, Page 4; Bullet 6, Page 5).

Entryware does not teach that the handheld survey system and method further comprises a network server having a web page (Internet page, HTML, etc.) as claimed.

Furest teaches an Internet-based survey system and method comprising a network server (web server, application server, etc.; Figure 1, Element 174) having a web page (Column 7, Lines 29-53; Figures 1 and 6-7), in an analogous art of survey data collection and analysis, for the purposes of providing a cost-effective mechanism for conducting and managing surveys (Column 9, Lines 58-62).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from providing access to the surveys/survey results via the Internet (i.e. network server having a web page) in view of the teachings of Furest; the resultant system providing a cost-effective mechanism for enabling the remote creation, execution and analysis of surveys/survey results (Furest: Column 9, lines 58-62).

Regarding Claim 4 Entryware teaches a handheld survey system and method wherein the system generates a survey question via software scripts (software, code, scripts, module, routine, component, etc.; reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; "Does Entryware software require programming to setup and manage survey projects?", Page 9).

Regarding Claims 5-6 Entryware teaches a handheld survey system and method wherein the system further comprises an authorization (access control, security, etc.) subsystem that enables authorized users to view/access survey questions (e.g. employee questions) and/or results (reference A: "Survey Dataport", Bullets 1 and 4, Page 6).

Regarding Claim 7 Entryware does not expressly teach a handheld survey system and method wherein survey results are stored and accessed in/from a relational database as claimed.

Furest teaches storing, analyzing and reporting on a survey results stored in a relational database (Column 2, Lines 43-47; Figure 1, Element 194; Figure 16), in analogous art of survey and data collection, for the purposes of enabling remote access to the stored surveys/survey results as well as enabling data mining/data analysis to be conducted on the stored surveys/survey results (Column 4, Lines 46-65; Column 7, Lines 43-52; Figures 1-6).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey method and system as taught by Entryware would have benefited from storing, accessing and reporting its plurality of surveys/survey results in a database in view of the teachings of Furest; the resultant system enabling users to

cost-effective access the survey results stored in the database (Furest: Column 9, Lines 45-50).

Regarding Claim 8 Entryware teaches a survey system and method comprising:

- a handheld computer (CPU, memory, display device, input device) for conducting electronic surveys on the handheld via a survey subsystem (software, code, module, etc.) that displays survey pages (screens, forms, etc.) to the user (reference A: "Survey Workbench", Page 4; "Mobile Interview", Page 5; Page 3; "Can the Mobile Interview be used on any handheld device?", Page 10; Figure 3; reference B: Paragraphs 2-4, Page 1);

- a second computer (system, server, etc.) for storing survey results (reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5Figure 1); and

- providing a new survey (question) based on a decision tree of available surveys (questions) based on the response to a previous answered survey question (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not expressly teach that the handheld device utilizes a browser or that the second computer (host, server, etc.) further comprises a relational database as claimed.

Furest teaches accessing the survey system via a browser on a plurality of client devices, including but not limited to laptops, and that the system stores and provides access to surveys/survey results stored in a relational database (tables) as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey method and system as taught by Entryware would have benefited from storing surveys/survey results in a relational database and enabling users to access the system via a browser in view of the teachings of Furest; the resultant system enabling users to cost-effectively accessing the survey results stored in the database via the Internet (Furest: Column 9, Lines 45-50).

Regarding Claim 9 Entryware teaches a handheld survey system and method that stores surveys/survey responses as well as enables the analysis and reporting (summarizing and presenting) of survey results using well-known statistical systems (e.g. SPSS; reference A: Bullet 7, Page 4; Bullet 3, Page 6; Figure 1).

Entryware does not expressly teach storing the surveys/survey results in database tables as claimed.

Furest teaches storing surveys/survey results in relational database tables (Column 5, Lines 36-40; Figures 3-6), in a analogous art of survey data collection and analysis, for the purposes of storing and analyzing of the surveys/survey results as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from storing surveys/survey results in relational database tables in view of the teachings of Furest; the resultant system enabling users to perform sophisticated data mining and data analysis techniques on the structured data (Furest: Column 2, Lines 43-47).

Regarding Claim 10 Entryware teaches a handheld survey system and method further comprising a second computer (system, device, server, etc.) having a CPU, memory, display device, input device, and network connection and accessing (viewing) survey responses/results stored on the second computer (server, host; reference A: Pages 4-5; Figure 1).

Entryware does not expressly teach that the survey system stores surveys/survey results in a database or provides access to the stored information via a browser as claimed.

Furest teaches storing surveys/survey results in a relational database as well providing access to the stored information via a browser, in an analogous art of survey data collection and analysis, for the purposes of providing a low-cost mechanism for accessing the structured data (Column 7, Lines 44-68; Column 8, Lines 1-22; Figures 1, 3-6, 9 and 13-15).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from storing surveys/survey results in a database and providing access to the stored information via a browser in view of the teachings of Furest; the resultant system providing a cost-effective mechanism for conducting and managing surveys in a distributed environment (Internet) as well as enabling the utilization of well known data mining and analysis techniques (Furest: Column 2, Lines 43-47; Column 10, Lines 45-50).

Regarding Claim 11 Entryware teaches a handheld survey system and method further comprising:

- storing a plurality of surveys/survey results (reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5);

- transferring/displaying (transmitting, providing, etc.) the data on the second computer (reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5); and

- not requiring the second computer to have a survey system on it in order to view the survey results/surveys (i.e. exporting to Statistical Package for the Social Sciences, SPSS being a well known and widely used data analysis, statistical analysis and reporting module/system; reference A: Bullet 7, Page 4; Bullet 3, Page 6; Figure 1).

Entryware does not expressly teach storing surveys/survey results in database tables or the subsequent selection and transferring/displaying of at least one of the database tables as claimed.

Furest teaches storing surveys/survey results in database tables as well as the subsequent selection, transferring and displaying of at least one of the database tables (Column 7, Lines 65-68; Column 8, Lines 1-11; Figures 9 and 13-15), in an analogous art of surveys, for the purposes of providing access to the database via a dynamic web page (Column 9, Lines 45-50).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from storing surveys/survey results in a relational database (database tables) as well as providing access to selected portions of the surveys/survey results stored in the database in view of the teachings of Furest; the resultant system enabling users to access the specific surveys/survey results they are interested in (Furest: Column 8, Lines 65-68; Column 9, Lines 1-10).

Regarding Claims 12-13 Entryware teaches that authorized users of the survey system and method are able to construct and edit surveys (reference A: Bullet 6; Page 4; Bullets 1 and 4 Page 6).

Entryware does not expressly teach that the survey system and method utilizes database tables or that a survey is modified by adding at least one of a plurality of database tables as claimed.

Furest teaches the utilization of database tables as well as the subsequently modification of those surveys/survey results tables (Column 9, Lines 57-68; Column 10, Lines 1-20), in a analogous art of surveys, for the purposes of enabling users to access and manage survey/survey result information remotely via the Internet (Column 1, Lines 55-58).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from enabling users to access and modify surveys/surveys results stored in relational database tables via the Internet in view of the teachings of Furest; the resultant system enabling users to remotely access and modify survey/survey result information in a cost-effective manner via the Internet (Furest: Column 9, Lines 45-55).

Regarding Claim 14 Entryware teaches a handheld survey system and method for conducting surveys (questionnaires, polls, etc.) using a handheld computer comprising:

- configuring (establishing, setting up, creating) of surveys ("Survey Workbench", Paragraph 1, Page 4; "What do I need to get started with Entryware software?", Page 9; "Can I load more than one questionnaire on a handheld at a time?", Page 10);

- enabling the user to create and store survey questions from the host computer to the handheld computer (reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5);

- displaying (viewing) the survey questions on the handheld computer (reference A: "Mobile Interviewer", Page 5; reference B: Paragraph 4, Page 1; Figure 1);

- receiving (obtaining) survey responses (input) via the handheld computer (reference A: "Survey Workbench", Page 4; "Mobile Interview", Page 5);

- transferring (transmitting) survey response data from the handheld computer to the host computer (central server, system, etc.; reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5); and

- providing a new survey (questions) from a decision tree having a plurality of surveys (questions) based on the survey responses (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not expressly teach the utilization of relational database tables as claimed.

Furest teaches the creation and utilization of relational database tables (databases) to store, access and display survey/survey result information as discussed above, in an analogous art of survey data collection and analysis, for the purpose of enabling users to remote access via the Internet survey/survey result information (Column 7, Lines 65-68; Column 8, Lines 1-10; Figure 9).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from enabling users to access structured data stored in a plurality of database tables via the Internet in view of the teachings of Furest; the resultant system enabling users to access survey/survey result information in a cost-effective manner (Furest: Column 9, Lines 45-55).

Regarding Claim 16 Entryware teaches a handheld survey system and method wherein the system receives input responsive to a second set of survey questions (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not expressly teach the utilization of database tables as claimed.

Furest teaches accessing database tables responsive to input to a second set of survey questions (Column 9, Lines 57-68; Column 10, Lines 1-10; Figure 16), in an analogous art of survey data collection and analysis, for the purposes of storing surveys/survey results in a structured fashion as well as providing dynamic/adaptive surveys (questionnaires) as discussed above.

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method, with its ability to generate dynamic/adaptive surveys, as taught by Entryware would have benefited from utilizing database tables to store survey/survey result information in view of the teachings of Furest; the resultant system enabling users to remotely create, participate and analyze surveys/survey results stored in a relational database via the Internet (Furest: Column 9, Lines 45-55).

Regarding Claim 17 Entryware does not expressly teach the utilization of database tables as claimed.

Furest teaches modifying the data set (surveys/survey results) contained in the database tables selected in response to the user (further input), in an analogous art of survey data collection and analysis, for the purposes of enabling users to remotely

access and modify information stored in the plurality of database tables (Column 9, Lines 45-68; Column 10, Lines 1-40).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from utilizing databases (database tables, etc.) to store and enable remote access/modification of data stored in those database tables in view of the teachings of Furest (Column 9, Lines 45-68; Column 10, Lines 1-40).

Regarding Claim 18 Entryware teaches transmitting (transferring, providing, etc.) information selected by the user (reference A: Pages 4-6).

Entryware does not teach transmitting at least a selected portion of data/information stored in a database table as claimed.

Furest teaches the transmission of at least a selected portion of data/information stored in a database table, in an analogous art of survey data collection and analysis, for the purposes of enabling users to review/access the survey/survey results information they are most interested in (Column 1, Lines 55-62; Column 7, Lines 44-68; Column 8, Lines 1-23; Column 9, Lines 1-20 and 45-68; Column 10, Lines 1-10; Figure 9).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from transmitting at least a portion of the survey/survey information stored in a database table in view of the teachings of Furest; the resultant system enabling users to view/access only the information they are interested in (Furest: Column 9, Lines 45-68; Column 10, Lines 1-10).

Regarding Claim 19 Entryware teaches that the handheld system and method provides for data validation (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not teach checking the survey questions for the correct syntax or subsequently prompting the user to correct the detected errors as claimed.

Furest teaches checking survey questions for the correct syntax and prompting the user (survey creator) to correct the survey question having the incorrect syntax (Column 6, Lines 61-68; Column 7, Lines 1-3; Figure 7, Elements 713, 715), in an analogous art of survey data collection and analysis, for the purposes of insuring the survey/questionnaire is created correctly.

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from checking the syntax of the survey questions as they are created in order to insure the completed survey will work properly in view of the teachings of Furest; the resultant system providing a mechanism to insure the proper creation/construction of survey questions by survey creators (Furest: Column 6, Lines 61-68; Column 7, Lines 1-3).

Regarding Claim 20 Entryware teaches that the handheld survey system provides data validation capabilities (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware is silent on how the system handles unanswered questions.

Furest teaches discarding the input to a survey question if it is a null answer (unanswered; Column 8, Lines 15-18), in an analogous art of survey data collection and analysis, for the purposes of ignoring/discarding data that may skew the survey results (Column 8, Lines 15-18).

It would have been obvious to one skilled in the art at the time of the invention that the handheld system and method as taught by Entryware would have benefited

from discarding unanswered questions (null survey answers) in view of the teachings of Furest; the resultant system providing a mechanism to effectively deal with survey data that would potential skew the survey results (Furest: Column 8, Lines 15-18).

Regarding Claim 21 Entryware teaches a handheld survey system and method having a server (host computer) with memory and a subsystem (software, application, module, etc.) for conducting surveys and connecting to a host computer via a network connection (reference A: "Survey Dataport", Page 6; "HotSync", Bullet 5, Page 4 and Pages 15-16; Bullet 6, Page 5) further comprising:

- presenting a series (sequence) of surveys (questions) stored in the system (reference A: "Survey Workbench", Page 4; "Mobile Interview", Page 5);

- receiving data (inputting) related to the series of surveys/questions via a network connection (e.g. survey results; reference A: "Mobile Interviewer", Page 5; reference B: Paragraph 4, Page 1);

- analyzing the survey/survey results information/data (i.e. exporting to Statistical Package for the Social Sciences, SPSS being a well known and widely used data analysis, statistical analysis and reporting module/system; reference A: Bullet 7, Page 4; Bullet 3, Page 6; Figure 1); and

- dynamically providing a new survey (set of questions) based on the user responses (reference A: "Survey Workbench", Page 4; "Powerful scripting for extensive branching and data validation.", Bullet 3, Page 4; "Automatic branching", Bullet 2, Page 5; question1, Page 9).

Entryware does not expressly teach that the survey system stores survey/survey result information in a database as claimed.

Furest teaches storing survey/survey results in a database and providing dynamic/adaptive surveys based on user responses stored in the database as discussed above, in an analogous art of survey data collection and analysis, for the purposes of storing survey/survey result information in a structured format for further analysis and reporting (data mining, etc.; Column 2, Lines 43-47).

It would have been obvious to one skilled in the art at the time of the invention that the handheld survey system and method as taught by Entryware would have benefited from storing its adaptive/dynamic surveys and survey results in a database in view of the teachings of Furest; the resultant system enabling users to utilize well known and widely used data mining techniques/analysis on the structured survey information (Furest: Column 2, Lines 43-47).

Regarding Claim 22 Entryware teaches a handheld survey system and method wherein the system receives the dynamic/adaptive surveys (questionnaires) from the host computer via a network connection and provides adaptive/dynamic surveys based on user responses as discussed above.

Regarding Claims 23-24 Entryware teaches that the handheld survey system and method can be modified/edited (e.g. by adding, revising, deleting survey questions) by authorized users as discussed above.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Techneos Systems Entryware Software Version 2.0 product (May, 2000, herein after Entryware) aspects of which are evidenced by at least the following supporting references:

- Techneos Systems Web Pages (August, 2000) hereinafter reference A;
- Techneos Announces Sophisticated Survey Software for Handheld Computers (May, 2000) hereinafter reference B; and
- Entryware Survey Software: Replacing paper with palm-tops (July, 2000) hereinafter reference C.

in view of Furest, Carol, U.S. Patent No. 6,189,029 as applied to claims 1-14 and 16-24 above and further in view of Todd, Kenneth, U.S. Patent No. 6,380,928.

Regarding Claim 15 neither Entryware nor Furest expressly teach notifying users when a survey is completed as claimed.

Todd teaches a handheld survey system and method wherein surveys results (responses) trigger alerts/information to service personnel (i.e. notification of users at the completion of a survey; Column 3, Lines 47-65; Column 4, Lines 39-55), in an

analogous art of surveying, for the purposes of enabling service personal to respond immediately to customer satisfaction survey results (Column 4, Lines 39-55).

It would have been obvious to one skilled in the art that the Internet based handheld survey system and method as taught by the combination of Entryware and Furest would have benefited from notifying users at the end/completion of a survey in view of the teachings of Todd; the resultant system enabling service personnel to monitor customer survey results (satisfaction) in real-time and allow the service personnel to intervene prior to the client's departure from the service area (Todd: Column 4, Lines 39-55).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Johnson et al., U.S. Patent no. 4,355,372, teach a data collection (market survey) system and method wherein surveys are conducted at remote locations that temporarily store and then transmit survey results to a central system (database) via a network. Johnson et al. further teach that the survey system and method prevents the entering of null data (i.e. not answering a survey question).

- Cadotte et al., U.S. Patent No. 4,345,315, teaches a portable survey system for collecting and reporting on service related customer satisfaction wherein the system provides local storage and analysis of survey results as well as transmits the survey results to a server via a network.

- Kurland et al., U.S. Patent No. 4,603,232, teach a handheld survey system and method wherein multiple surveys are stored and conducted via the handheld device.

- Roizen et al., U.S. Patent No. 5,341,291, teach a handheld survey system and method wherein the system provides secure/authorized access to the survey system as well as enables dynamic questioning (branching), connecting the handheld device to a host server and presenting/displaying of survey results on the handheld.

- Altman et al., U.S. Patent No. 5,572,421, teach a portable/handheld survey system and method for administering/collecting patient histories.

- Cohen et al., U.S. Patent No. 5,740,035, teach a self-administered survey system and method wherein user demographic information, survey results and other

information is collected and transmitted (e.g. wirelessly) to a central server/system. Cohen et al. further teach that the survey system provides error checking and security capabilities.

- Peters et al., U.S. Patent No. 5,893,098, teach an online survey system and method for managing the complete survey lifecycle. Peters et al. further teaches that the survey system provides survey related notifications and reminders.

- Kraftson et al., U.S. Patent No. 6,151,581, teach a handheld survey system and method that stores surveys/survey results in a database and provides data analysis and reporting capabilities (e.g. support for SPSS or SAS).

- Nanos et al., U.S. Patent No. 6,477,504, teach a kiosk-based survey system and method that utilizes a plurality of remote terminals/devices (kiosks) to collect, store and transmit survey responses. Nanos et al. further teach that the survey system handles incomplete answers/surveys (i.e. null) as well as provides secure access to the system via a password.

- Hamlin et al., U.S. Patent no. 6,477,504, teach a network-based survey system and method for conducting surveys over the Internet wherein the system utilizes branching (e.g. decision tree) to generate dynamic surveys based on user responses. Hamlin et al. further teach that the survey system provides error checking, support for multiple surveys and providing survey results to a second system/computer without requiring the second system to have the survey system installed.

- Brookler et al., U.S. Patent Publication No. 2002/0007303, teach an Internet-based survey system that enables any of a plurality of handheld or other computing

devices to access the system and participate in the survey. Brookler et al. further teach that platform agnostic survey system provides security capabilities; stores surveys/survey results in a relational database as well as provides data analysis and reporting capabilities.

- SPSS MR To Distribute Techneos Systems Interviewing Software for Handheld Computers, teaches the commercial availability of the Entrywave system and its integration will a well known and widely used data analysis and reporting system (SPSS).

- Techneos Product Revision Internet Pages, teaches the version/revision history of the Entrywave system first released in June, 2000.

- ThinkingBytes.com Internet Pages, teaches the commercially availability of a handheld survey (electronic questionnaire) method and system (SurveyMate) wherein the system enables users to create, conduct, analyze and report on surveys utilizing software residing on the handheld device. ThinkingBuytes.com further teaches that the SurveyMate system enables dynamic question/survey through the use of branching (i.e. decision tree).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/10/2005
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